



PLANNING COMMISSION MEETING STAFF REPORT APRIL 13, 2006

Project:	On Lok Senior Health Services - (PLN2006-00185)
Proposal:	To consider a Conditional Use Permit Amendment to PLN2002-00188 for a 744 sq. ft. interior expansion of an existing 2,377 sq. ft. adult day care center located on the ground floor of the Sisters of the Holy Family's "Motherhouse" building.
Recommendation:	Approve, based on findings and subject to conditions.
Location:	159 Washington Blvd in the Mission San Jose Planning Area. APN 513-0505-033-00 (See aerial photo next page)
Area:	57,615 square foot existing building on a 14.38-acre lot
People:	Robert Edmondson, Applicant Carl Bridgers, Architect, Holey Associates, Agent of the Applicant Jim Hallam, Structural Engineer, James D. Hallam, Consultant Sister Sharon Flannigan, Owner Gus Gonzalez, Staff Planner (510) 494-4452; ggonzalez@ci.fremont.ca.us
Environmental Review:	The project is categorically exempt from environmental review per CEQA Guidelines Section 15301 (Existing Facilities).
General Plan:	Residential, Medium 6.5-10 du/ac, Primary Historic Resource with Conference Center Overlay
Zoning:	Existing: P (H)(H-I), Planned District (Historical Overlay)(Hillside Combining District)

EXECUTIVE SUMMARY:

The applicant is requesting approval of a conditional use permit amendment for a 744 square foot interior expansion of an existing 2,377 square foot adult day care center located on the ground floor of the Sisters of the Holy Family's "Motherhouse" building. An amendment is requested because the original conditional use permit limited the maximum number of participants to attend the center to twenty-eight (28). The applicant anticipates a maximum of fifteen (15) additional participants to attend the center. Staff recommends approval of the 744 square foot interior expansion and the increase in the number of participants to a maximum of forty-three (43).



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

- North: Multi-family Residential Units
- South: Montessori School
- East: Across Mission Blvd, Saint Joseph's Catholic Church, Single-family Units
- West: Multi-family Residential Units

BACKGROUND AND PREVIOUS ACTIONS:

On March 14, 2002, the Planning Commission approved Use Permit PLN2002-00188 for the operation of an adult day care center within the Sisters of the Holy Family's existing "Motherhouse" building. The conditions of approval permitted the use at an existing 2,377 square foot tenant space and limited the maximum number of participants allowed to enroll in the program to twenty-eight (28). A change to these conditions requires an amendment to the Use Permit.

PROJECT DESCRIPTION:

The applicant is requesting approval to expand an all-inclusive care center for the elderly into an adjacent 744 square foot office space located at the existing Sisters of the Holy Family "Motherhouse," a large office and dormitory built in the 1950's that provides housing for members of Sisters of the Holy Family. The program serves the general public, the Dominican Sisters of Mission San Jose, and the Sisters of the Holy Family. There are a total of 5 buildings (including the motherhouse) and several accessory structures on the subject site. Currently, there are approximately 60 residents living at the Sisters of the Holy Family motherhouse.

The adult day health center is in an existing 2,377 square foot space on the first floor of the Sisters of the Holy Family "Motherhouse". The facility provides services to approximately 28 people living in the "Motherhouse" and to people living off of the premises. For those individuals who live off of the premises, a shuttle service is provided to transport them to the site. The facility operates under a lease with the Sisters of the Holy Family and employs 14 full and part-time staff. The hours of operation are from 8am to 4:30pm, Monday through Friday.

The 744 square foot expansion into the adjacent office space will allow the applicant to expand their service area to include Union City and Newark. The applicant anticipates that their participation in the program will increase to include an additional 10 to 15 frail elders. The State of California Department of Health Services has also been petitioned to increase their licensing. The hours of operation will remain as originally approved by Conditional Use Permit, PLN2002-00188. However, staffing will increase to include two (2) additional employees to accommodate the additional participants.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Residential – Medium 6.5-10 dwelling units per acre. The proposed project is consistent with the existing General Plan land use designation for the project site because the General Plan allows for adult day health service within a residential land use designation. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

LAND USE GOAL 8: Provision and enhancement of day care services through a partnership of all sectors of the community.

Analysis: The proposed project is in conformance with this policy in that the proposed interior expansion will enhance day care services to frail elders by

providing an area within the facility where staff can provide services, such as counseling, in a private setting.

Policy LU 8.1: To accommodate day care needs of children, frail elderly and developmentally disabled adults, services shall be allowed in any commercial, industrial or residentially designated area, subject to conditions regarding size of facility, access, parking and the availability of outdoor space.

Analysis: The proposed project is in conformance with this policy in that the proposed interior expansion is relatively small, located in an existing building with adequate access, parking and outdoor space, as described later in this report.

Policy LU 8.2: Care facilities should be located to minimize exposure to noise, localized air pollution sources and other environmental hazards.

Analysis: The proposed project is in conformance with this policy in that the proposed interior expansion is located within the same building as the existing adult daycare facility, which has been found under the previous Conditional Use Permit (PLN2002-00188) to be located in an area that minimizes exposure to noise, localized air pollution sources and other environmental hazards.

In addition to these general policies, a specific policy related to this particular site was adopted in 1999, primarily related to possible future development at the sensitive Sisters of the Holy Family site. That policy states, in part, as follows (PLN2000-00094, November 18, 1999):

Notwithstanding the planned district designation, minor changes in uses under the existing use permit for the religious/ educational/ cultural facility shall be submitted to the Zoning Administrator for approval. Minor additions to structures associated with the existing religious/ educational/ cultural facilities that would normally require an amendment to the use permit, shall be submitted to the Development Organization for approval. Major additions to structures or changes associated with the existing religious/ educational/ cultural operations shall be processed as amendments to the existing use permit requiring approval by the Planning Commission. For purposes of this provision, major amendments are defined as those that would result in a material change in the density or intensity of use, increase peak hour traffic or impact the historic and environmental resources on the site. Nothing in this section shall relieve the property owner from review and approval of exterior changes by Historic Architecture Review Board (HARB) or staff.

Analysis: Conditions related to a Planned District are normally included within the Planned District itself, rather than in the General Plan. However, the City Council felt that this site was rather sensitive and important as to include the above discussion regarding the intent and requirements of the Planned District in the General Plan itself. Staff has concluded that the subject application, while not requiring a significant change to the structure, is a change in the intensity of the

use of the site because it will expand the existing commercial component of the existing buildings. According to the above General Plan section, this type of change should be treated as an amendment to the existing use permit, requiring approval by the Planning Commission, as described below under “Zoning Regulations”.

Zoning Regulations:

The site is zoned City Initiated Planned District (P) with Historic (H) and Hillside Combining (H-I) Overlays. The purpose of a P district is to effectuate desirable means of development. The subject site was designated a P District by the City Council because the property was deemed to have historic and architecturally unique features. Standards for permitted uses for this P Districts are governed by standards for residential, commercial, or industrial zoning district(s) most similar in nature and function to the P district use(s). Staff has determined that R-G-29 zoning district is most similar in function and nature, which requires a conditional use permit for all senior health care services and, consequently, a conditional use permit amendment to increase the intensity of this use.

The applicant does not intend to modify the exterior of the building, and therefore is not subjected to the (H) Historical overlay and (H-I) Hillside Combining District requirements.

Some interior improvements were previously constructed and can serve this use. The applicant will also be required to obtain a new occupancy permit for the space that the care center will expand into within the motherhouse building because the proposed use requires a change in occupancy class.

Parking:

Currently, there are 178 parking spaces on this site, 29 of which have been dedicated to the care facility. Although the Zoning Ordinance does not provide a parking standard for adult daycare facilities, the parking standard for medical and dental offices and clinics could be relied upon as a minimum standard. In using this standard, the 29 existing parking stalls far exceed the amount of parking required for this type of use. Medical and dental offices and clinics require one space for each 200 square feet of floor area. The existing care facility and proposed expansion would only cover 3,121 square feet of floor area and, therefore, only require 16 spaces dedicated to it's use ($3,121/200 = 15.6$). Furthermore, staff has determined that few parking spaces would be utilized as a result of the facility due to the fact that participants in the program will not be driving to the facility.

Circulation:

The project is accessible from Washington Boulevard via Bryant Avenue. The Motherhouse provides sufficient on-site circulation because there are sufficient linkages between and among the existing on-site parking lots and roads, providing access to major points of destination on the premises. In addition, the primary entrance onto the premises from Bryant Avenue includes a spacious turnaround area, which provides larger vehicles ample room for ingress and egress. The use is not expected to generate traffic impact as a shuttle bus service is proposed for off-site users of the adult day care center.

Environmental Review:

The project is categorically exempt from environmental review per CEQA Guidelines Section 15301 (Existing Facilities).

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 312 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on March 17, 2006. A Public Hearing Notice was published by The Argus on March 16, 2006. This item was, however, rescheduled for the April 13th Planning Commission Meeting. Owners and occupants of property within 300 feet of the site were notified of the change and new notices for the April 13th Planning Commission Hearing were mailed on March 23, 2006.

A telephone message was received from a concerned neighbor regarding noise emitted on weekends from events held at a building on the subject site known as the "Best House." The Best House is adjacent to the Motherhouse building. On June 22, 1989, the Planning Commission approved Use Permit U-89-3 and Environmental Impact Assessment EIA-89-30 to allow the remodeling of the Best House to be used for wedding ceremonies, receptions, and other events. Private parties, functions, and other events at the Best House are limited to weekends only. A telephone response to the concerned neighbor clarified that the approval of this Conditional Use Permit will not intensify the noise levels emitted from the events held at the Best House because the adult daycare operates from 8am to 4:30pm, Monday through Friday.

ENCLOSURES:

Exhibits: Exhibit "A" Site Plan and Floor Plan
 Exhibit "B" Findings and Conditions of Approval

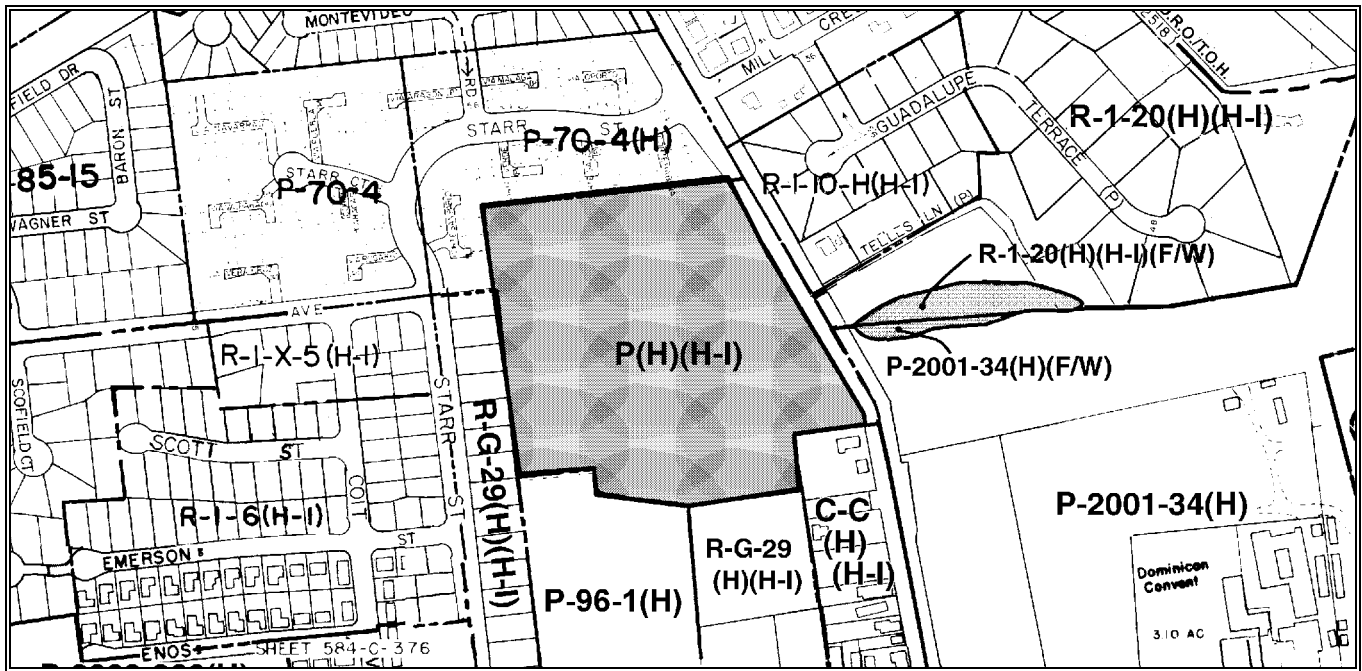
Informational Items:

1. Applicant Statement of Proposed Operation for On Lok Senior Health Services, dated January 17, 2006

RECOMMENDATION:

1. Hold public hearing.
2. Find the project categorically exempt from the California Environmental Quality Act under Section 15301 of the CEQA Guidelines as a minor alteration of an existing facility.
3. Find the Conditional Use Permit Amendment in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
4. Approve Conditional Use Permit Amendment PLN2006-00185 to PLN2002-00188, as shown on Exhibit "A", subject to the findings and conditions on Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

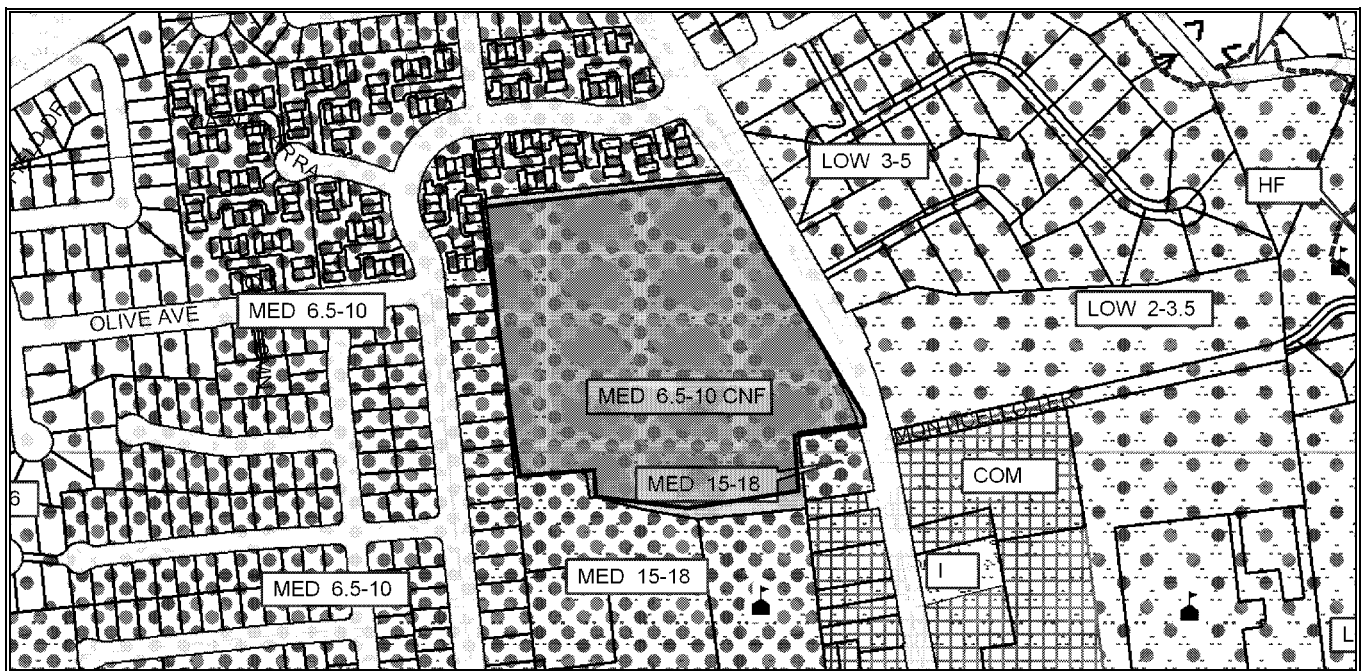


Exhibit "B"
Findings and Conditions of Approval
For PLN2006-00185

Findings:

- a. The proposed use is consistent with the General Plan of the City of Fremont because it would provide adult day care services pursuant to Land Use Goal 8 and Land Use Policies 8.1 and 8.2.
- b. The site is suitable and adequate for the proposed use because it is consistent with the existing use, has the facilities and infrastructure to accommodate the proposed use, will have little impact on adjacent residences, fulfills the need for such a service in Fremont, and has sufficient on-site circulation.
- c. The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because the patrons living off-site will use the provided transit service to access the facility.
- d. The proposed use will not have a substantial adverse economic effect on nearby uses because the use is already present on the site and the operation will not effect nearby residents.
- e. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the project is designed in a manner to be compatible with the surrounding uses, and would not create nuisances or degrade the environment.
- f. The design of the project is compatible with existing and proposed development in the district and its surrounding because the proposed location is an existing improved site, and the improvement will be compatible with the existing developments.

Conditions:

1. This Conditional Use Permit consolidates and supersedes all conditions of approval under PLN2002-00188.
2. The project shall conform to Exhibit "A" (site plan, floor plan).
3. The maximum number of participants to attend in the center will be forty-three (43). In addition, all of the participants who will be commuting to the site shall use the shuttle service provided by On Lok Senior Health Center. No participant shall walk or use any other means to access the project site.
4. Hours of operation shall be subject to the following times: 8 am to 4:30 pm, Monday through Friday.
5. The applicant shall submit plans to the Building and Safety Division for final review before issuance of a building permit.

6. The facility shall comply with all State Regulations regarding adult health care centers.
7. If the Planning Director finds evidence that conditions of approval have not been fulfilled or that the use has resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent proximate property, or has a substantial adverse impact on public facilities or services, the Planning Director may refer the use permit to the Planning Commission for review. If, upon such review, the Commission finds that any of the results have occurred, the commission may modify or revoke the use permit.
8. Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code as follows:
 - a. Monday-Friday, 7 a.m. to 7 p.m.
 - b. Saturday & Holiday, 9 a.m. to 6 p.m.
 - c. Sunday, no construction activity allowed